

ENVIRONMENTAL REVIEW COMMITTEE REPORT AND ADMINISTRATIVE SHORT PLAT REPORT & DECISION

ERC MEETING DATE: September 26, 2011

Project Name: Joey's Short Plat

Owner: Lorraine Taylor
2208 Jones Avenue NE
Renton, WA 98056

Applicant: Wilford Hughes
W.H. Hughes Co.
14401 Issaquah, WA 98027

Contact: Same as applicant

File Number: LUA11-066, ECF, SHPL-A

Project Manager: Gerald Wasser, Associate Planner

Project Summary: Applicant requests to subdivide a 36,847 square foot parcel into two lots. The two resulting lots would be 17,882 s.f. (Lot 1) and 18,965 s.f. (Lot 2). Kennydale Creek, a Class 4 stream, is present and bisects the site. A Category 2 or 3 wetland (3,500 s.f.) is present on the northeast portion of the site. Both proposed lots would gain access from Jones Avenue NE. An existing house and two sheds are located on what would be Lot 1. The existing buildings are proposed to be retained. Once the wetland and stream area is deducted the resulting net developable area is 0.73 acres. A two-lot short plat would yield a density of 2.74 du/net acre. The site is generally flat. The project requires SEPA environmental review and short plat approval.

Project Location: 2208 Jones Avenue NE

Exist. Bldg. Area SF:	1,230	Proposed New Bldg. Area (footprint):	N/A
		Proposed New Bldg. Area (gross):	N/A

Site Area:	36,847 SF	Total Building Area GSF:	1,230
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STAFF RECOMMENDATION: Staff Recommends that the Environmental Review Committee issue a Determination of Non-Significance - Mitigated (DNS-M).

A. EXHIBITS:

- Exhibit 1: Project file (“yellow file”)
Exhibit 2: Zoning Map, Sheet D4
Exhibit 3: Site Plan (received August 8, 2011)
Exhibit 4: Landscape Plan
Exhibit 5: Aerial Photo
Exhibit 6: Letter from William O’Connor (received September 7, 2011)
Exhibit 7: Email from Karen Walter, Muckleshoot Tribe (received September 21, 2011)
Exhibit 8: Letter from Susan Rider (received September 9, 2011)

1. Owner(s) of Record:

Lorraine Taylor
2208 Jones Avenue NE
Renton, WA 98056

2. Zoning Designation:

Residential - 4 dwelling units per acre (R-4)

3. Comprehensive Plan Land Use Designation:

Residential Low Density (RLD)

4. Existing Site Use:

Single Family Residence

5. Neighborhood Characteristics:

- a. **North:** *Single Family Residences (R-4 zoning)*
- b. **East:** *Single Family Residences and Vacant (R-4 zoning)*
- c. **South:** *Single Family Residences (R-4 zoning)*
- d. **West:** *Single Family Residences (R-4 zoning)*

6. Access: Jones Avenue NE

7. Site Area: 36,847 sf

C. HISTORICAL/BACKGROUND:

<u>Action</u>	<u>Land Use File No.</u>	<u>Ordinance No.</u>	<u>Date</u>
Comprehensive Plan	N/A	4924	12/05/2001
Annexation	N/A	1818	03/09/1960
Kennydale Blueberry Farm CPA & Rezone	LUA05-159	5265	09/20/2005

D. PROJECT NARRATIVE:

The applicant is proposing a short plat for two single-family residential lots on a 36,847 square foot parcel in the R-4 zone (Exhibit 2). Proposed Lot 1 would have 17,882 square feet and proposed Lot 2 would have 18,965 square feet. The net density for the proposed project is 2.74 dwelling units per acre. The project site is primarily flat.

Kennydale Creek, a Class 4 stream, bisects the site from north to south and the majority of a Category 2 or 3 wetland exists in the eastern portion of the property beyond Kennydale Creek and its buffer. Development on the site would take place outside the 35-foot stream buffer (Exhibit 3).

Access to proposed Lot 1 would be via an existing driveway from Jones Avenue NE; and access to proposed Lot 2 would be via a new driveway cut from Jones Avenue NE.

The existing single-family residence is proposed to remain on Lot 1.

Three comment letters were received regarding the classification of Kennydale Creek. These letters and staff responses are included as Exhibits 6 through 8. The classification of Kennydale Creek is not at issue for this project.

E. PUBLIC SERVICES:

1. Utilities

- a. Water: Water service would be provided by the City of Renton. There is an 8-inch water main in Jones Avenue NE. The existing home at 2208 Jones Avenue NE is served by a ¾-inch water meter connected to the water main in Jones Avenue NE.

- b. Sewer: Sewer service would be provided by the City of Renton. There is an 8-inch sewer main in Jones Avenue NE. The existing home at 2208 Jones Avenue NE is connected to the sewer main.
 - c. Surface/Storm Water: There are existing storm drainage facilities in Jones Avenue NE.
2. **Streets**: There are existing sidewalk, curb, and gutter along Jones Avenue NE. No further improvements are required.
3. **Fire Protection**: The City of Renton provides fire protection services to this area.

PART TWO: ENVIRONMENTAL REVIEW

In compliance with RCW 43.21C.240, the following environmental (SEPA) review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

A. ENVIRONMENTAL THRESHOLD RECOMMENDATION

Based on analysis of probable impacts from the proposal, staff recommends that the Responsible Officials:

Issue a DNS-M with a 14-day Appeal Period.

B. MITIGATION MEASURES

1. The applicant shall install a split rail fence with appropriate signage along the westernmost 35-foot stream buffer boundary of Kennydale Creek. Such split rail fence and signage shall be installed prior to recording of the short plat.
2. A Native Growth Protection Easement (NGPE) shall be established between the western most 35-foot stream buffer boundary and the eastern property line. The NGPE shall be indicated on the short plat and a note describing the NGPE shall be placed on the face of the short plat. The existing easternmost shed on Proposed Lot 1 shall be removed or relocated outside of the NGPE prior to installation of the split rail fence. There shall be no mowing within the NGPE.

C. ENVIRONMENTAL IMPACTS

The Proposal was circulated and reviewed by various City Departments and Divisions to determine whether the applicant has adequately identified and addressed environmental impacts anticipated to occur in conjunction with the proposed development. Staff reviewers have identified that the proposal is likely to have the following probable impacts:

1. Water

a. Stream and Wetland

Impacts: Kennydale Creek crosses the central portion of the subject property in a north/south orientation. Per RMC 4-3-050Q Kennydale Creek is a Class 4 stream in this vicinity. Class 4 streams require a minimum buffer area of 35 feet. To the east of Kennydale Creek is a wetland which is either a

Category 2 or Category 3 Wetland. Category 2 wetlands require a buffer area of 50 feet and Category 3 wetlands require a buffer area of 25 feet. The applicant submitted a Revised Critical Areas Review for Joey's Short Plat (File No. LUA11-066), 2208 Jones Ave. NE, Renton, WA (Parcel 334390-3602), dated August 4, 2011, prepared by Altmann Oliver Associates, LLC. The Critical Areas Review states that Kenedydale Creek on the project site is a Class 4 stream which appears to have been historically ditched. Vegetation along the stream banks is mowed to the edge of the channel and plant species within and adjacent to the channel at the time of the field investigation consisted almost entirely of reed canary grass. The Critical Areas Review also identifies a disturbed wetland in the northeastern portion of the site (Exhibit 3). The wetland consists of a shallow topographic depression that appears to extend off-site to the north. Vegetation within the wetland includes Pacific willow, Himalayan blackberry, reed canary grass, creeping buttercup, giant horsetail, Watson's willow-herb, watercress, and scattered skunk cabbage. Hydrology within the wetland was based on the presence of disturbed hydric soils.

The wetland is more than 15 feet from the eastern Ordinary High Water Mark of Kenedydale Creek and the maximum required buffer for the wetland would be 50 feet, therefore, the stream buffer is more restrictive. The 50-foot buffer is based on the unlikely possibility that the wetland is a Category 2, rather than a more likely Category 3 wetland which would require a 25-foot buffer. The Critical Areas Review concludes that because the Washington Department of Fish and Wildlife Priority Habitats and Species database does not indicate any priority habitats or species on or adjacent to the subject property and the fact that future development would take place outside the 35-foot stream buffer area, there would be no critical area impacts as result of the project.

In order to prevent degradation of the onsite stream and wetland, staff recommends as a mitigation measure that the applicant install a split-rail fence with appropriate signage along the western 35-foot stream buffer boundary. Such split rail fence and signage shall be installed prior to recording of the short plat. Staff recommends as a condition of approval that the placement of such fence be shown on a final landscape plan which shall be submitted to the Planning Division project manager for review and approval prior to recording of the short plat. Also, staff recommends as a condition of approval that a Native Growth Protection Easement (NGPE) be established from the westernmost 35-foot stream buffer boundary to the eastern property line. The NGPE shall be indicated on the short plat and a note describing the NGPE shall be placed on the face of the short plat. The existing easternmost shed on proposed Lot 1 shall be removed or relocated outside of the NGPE prior to installation of the split rail fence. There shall be no mowing within the NGPE.

Three letters commenting on the classification of Kenedydale Creek were received by staff. Two of the letters commented on a previous project in the vicinity and questioned the Class 4 stream designation of Kenedydale Creek (Exhibits 6 and 8). A third letter was received from Karen Walter, Muckleshoot Indian Tribe Fisheries Division (Exhibit 7), asking about the classification of Kenedydale Creek and providing suggestions for buffer area enhancement. Staff responded to these letters and stated that this two-lot short plat does not affect the classification of the creek. Furthermore, the future development on the project site would occur outside of the 35-foot stream buffer. Therefore, there is no essential nexus for requiring buffer area enhancement. However, by requiring the NGPE and not allowing mowing or removal of vegetation, the buffer area would be enhanced.

Mitigation Measures:

1. The applicant shall install a split rail fence with appropriate signage along the westernmost 35-foot stream buffer boundary of Kennydale Creek. Such split rail fence and signage shall be installed prior to recording of the short plat.
2. A Native Growth Protection Easement (NGPE) shall be established between the western most 35-foot stream buffer boundary and the eastern property line. The NGPE shall be indicated on the short plat and a note describing the NGPE shall be placed on the face of the short plat. The existing easternmost shed on Proposed Lot 1 shall be removed or relocated outside of the NGPE prior to installation of the split rail fence. There shall be no mowing within the NGPE.

Nexus: SEPA Environmental Regulations; RMC 4-3-050E

D. COMMENTS OF REVIEWING DEPARTMENTS

The proposal has been circulated to City Department and Division Reviewers. Where applicable, their comments have been incorporated into the text of this report and/or "Advisory Notes to Applicant."

- ✓ **Copies of all Review Comments are contained in the Official File and may be attached to this report.**

PART THREE: ADMINISTRATIVE SHORT PLAT REVIEW

A. APPLICABLE SECTIONS OF THE RENTON MUNICIPAL CODE:

1. **Chapter 2 Land Use Districts**
 - a. Section 4-2-020: Purpose and Intent of Zoning Districts
 - b. Section 4-2-070: Zoning Use Table
 - c. Section 4-2-110: Residential Development Standards
 - d. Section 4-2-115: Residential Design and Open Space Standards
2. **Chapter 3 Environmental Regulations and Overlay Districts**
 - a. Section 4-3-050L: Streams and Lakes
 - b. Section 4-3-050M: Wetlands
3. **Chapter 4 Property Development Standards**
 - a. Section 4-4-030: Development Guidelines and Regulations
4. **Chapter 6 Streets and Utility Standards**
 - a. Section 4-6-060: Street Standards
5. **Chapter 7 Subdivision Regulations**
 - a. Section 4-7-070: Detailed Procedures for Short Subdivisions
 - b. Section 4-7-120: Compatibility with Existing Land Use and Plan – General Requirements and Minimum Standards

- c. Section 4-7-170: Residential Lots – General Requirements and Minimum Standards
- d. Section 4-7-130: Environmental Consideration – General Requirements and Minimum Standards

6. Chapter 9 Procedures and Review Criteria

7. Chapter 11 Definitions

B. APPLICABLE SECTIONS OF THE COMPREHENSIVE PLAN:

- 1. Land Use Element: Residential Policies
- 2. Community Design Element: Established Residential Neighborhoods
- 3. Environmental Element: Critical Areas

C. DEPARTMENT ANALYSIS:

1. Project Description/Background

See Project Narrative, above.

2. Environmental Review

Except when located on lands covered by water or sensitive areas, short plats are exempt from SEPA Environmental Review pursuant to WAC 197-11-800(6)(a). Since this site contains both Kennydale Creek and a wetland, SEPA Environmental Review is required.

3. Compliance with ERC Conditions

See Mitigation Measures in Part 2 B, above.

4. Staff Review Comments

Representatives from various city departments have reviewed the application materials to identify and address issues raised by the proposed development. These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report and the Departmental Recommendation at the end of this report.

5. Consistency with Short Plat Criteria

Approval of a plat is based upon several factors. The following short plat criteria have been established to assist decision-makers in the review of the plat:

a) *Compliance with the Comprehensive Designation*

The site is designated Residential Low Density (RLD) on the Comprehensive Plan Land Use Map. Lands in the RLD designation are intended to guide development on land appropriate for a range of low intensity residential where land is either constrained by sensitive areas or where the City has the opportunity to add larger-lot housing stock, at urban densities of 4 du/net acre,

to its inventory. Lands that either do not have significant sensitive areas, or can be adequately protected by the critical areas ordinance, are zoned R-4. The proposal is consistent with the following Comprehensive Plan Land Use, Community Design and Environmental Element objectives and policies.

Policy LU-157. *Within the Residential 4 du/ac zoned area a maximum density of 4 units per acre is allowed to encourage larger lot development and increase the supply of upper income housing consistent with the City's Housing Element.*

☒ Policy Objective Met ☐ Not Met

Policy CD-12. *Infill development, defined as new short plats of nine or fewer lots, should be encouraged in order to add variety, updated housing stock, and new vitality to neighborhoods.*

☒ Policy Objective Met ☐ Not Met

Objective EN-A. *Protect and enhance water quality of surface water resources including the City's lakes, rivers, major and minor creeks, and intermittent stream courses.*

☒ Policy Objective Met ☐ Not Met

Objective EN-B. *Preserve and protect wetlands for overall system functioning.*

☒ Policy Objective Met ☐ Not Met

b) Compliance with the Underlying Zoning Designation

The subject site is designated R-4 on the City of Renton Zoning Map. The proposed development would allow for the future construction of one new single-family dwelling unit.

Density: There is no minimum density in the R-4 zone and the maximum density is 4 units per acre. The area of the critical areas (wetland and stream) onsite (5,150 square feet) is deducted from the gross square footage of the site. Therefore, the net square footage would be 31,627 square feet (0.73 acre). The net density for the two proposed lots would be 2.74 dwelling units per net acre which falls within the permitted density range for the R-4 zone.

Lot Dimension: As demonstrated in the table below, all lots meet the requirements for minimum lot size, depth, and width.

<u>As Proposed</u>	<u>Lot Size</u> 8,000 SF minimum	<u>Width</u> 70 feet required	<u>Depth</u> 80 feet required
Lot 1	17,882 SF	70 feet	255 feet
Lot 2	18,965 SF	74 feet	255 feet

Setbacks: The required setbacks in the R-4 zone are as follows: front yard is 30 feet; interior side yard is 5 feet; and the rear yard is 25 feet. The proposed lots are oriented so that the front yards of both lots face west. The proposed lots appear to contain adequate area to provide all the required setbacks.

Building Standards: The R-4 zone permits one residential structure per lot. Each of the proposed lots would support one detached unit. Accessory structures are permitted at a maximum number of two per lot at 720 square feet each, or one per lot at 1,000 square feet in size. Building height in the R-4 zone is limited to 30 feet for primary structures and 15 feet for detached accessory structures. The allowed building lot coverage for lots over 5,000 square feet in size in the R-4 zone is 35 percent or 2,500 square feet, whichever is greater. Impervious surface area coverage may be a maximum of 55 percent. The existing house on proposed Lot 1 complies with these standards and the building standards for proposed Lot 2 would be verified at the time of building permit review.

c) Community Assets

The site (outside of the wetland area) is vegetated primarily with lawn. There are 7 trees on the project site (2 cedars and 5 alders) all of which would be retained. In addition to the trees, the site also contains Pacific willow, Himalayan blackberry, reed canary grass, creeping buttercup, giant horsetail, Watson's willow-herb, watercress, and scattered skunk cabbage.

The applicant would be required to plant two ornamental trees, a minimum caliper of 1 ½ inches (deciduous) or 6 – 8 feet in height (conifer), within the 30-foot front yard setback area for the proposed lots (Exhibit 4). The submitted landscape plan indicates that two 1 ½-inch caliper flowering cherry trees would be planted in the front yard of each lot. Existing landscaping may be used to augment the required landscaping.

In order to protect the onsite stream and wetland, staff has recommended mitigation measures which are discussed in Part Two of this report.

d) Compliance with Subdivision Regulations

Streets: There is existing sidewalk, curb, and gutter fronting the project site along Jones Avenue NE. No additional street improvements are required. The proposal would result in an increase in traffic trips to the City's street system. The new residence is expected to generate 9.57 trips at a rate of \$75.00 per additional average daily vehicle trip; credit is given for the existing residence on the subject property. The Transportation Mitigation Fee is estimated to be \$717.75 (1 new lot x 9.57 trips x \$75.00 = \$717.75) and would be payable prior to recording the short plat. Therefore, staff recommends as a condition of approval that the applicant pay a Transportation Mitigation Fee, estimated to be \$717.75, prior to recording the short plat.

Blocks: No new blocks would be created as part of the proposed short plat.

Lots: The shape, orientation, and arrangement of the proposed lots comply with the requirements of the Subdivision Regulations and the Development Standards of the R-4 zone.

Proposed Lots 1 and 2 are rectangular in shape. Access to both lots would be via Jones Avenue NE. Both lots meet the requirements for minimum lot size, depth, and width as demonstrated in the table above. The lots are oriented to the west; the front yards would be along Jones Avenue NE. Lot 1 contains an existing house to be retained and Lot 2 appears to have sufficient building area for the development of a detached single-family residence provided the applicant complies with the conditions of approval.

e) Reasonableness of Proposed Boundaries

Access: Access to both lots would be via Jones Avenue NE.

Topography: The site is primarily flat.

Relationship to Existing Uses: All properties surrounding the subject site are designated R-4 on the City's Zoning Map. The proposal is similar to existing development patterns in the area and is compatible with that development. In addition, the proposed development is consistent with the Comprehensive Plan and the Zoning Code.

f) Availability and Impact on Public Services (Timeliness)

Police and Fire: Police and Fire Prevention staff indicates that sufficient resources exist to furnish services to the proposed development, subject to Code required improvements and fees. Staff recommends as a condition of approval that a Fire Mitigation Fee, estimated to be \$488.00, be paid prior to recording the short plat.

Schools: According to the Draft Environmental Impact Statement for the City of Renton Land Use Element (January 16, 1992), the City of Renton has a student generation factor of 0.44 students per single-family residential dwelling. Based on the student generation factor, the proposed short plat would result in 0.44 additional students ($0.44 \times 1 \text{ new lot} = 0.44$) to the Renton School District. The Renton School District Impact Fee is currently \$6,310.00 per each new single-family unit and is payable prior to the issuance of building permits. It is anticipated that the Renton School District can accommodate any additional students generated by this project at Kennydale Elementary School, McKnight Middle School, and Hazen High School.

Parks: There would be no anticipated impacts to parks.

Storm Water: The project will comply with Appendix C of the 2009 King County Surface Water Design Manual and the City of Renton Amendments to the KCSWDM, Chapters 1 and 2. Based on the City's flow control map, this site falls within the Flow Control Duration Standard, Forested Conditions.

Water and Sanitary Sewer Utilities: The site is served by the City of Renton water and sewer services. All plats are required by City Code to provide one hydrant within 300 feet of any proposed single-family structure. In addition, separate water service is required to be provided to each building lot prior to recording the plat. All short plats shall provide a separate side sewer to each building lot prior to recording.

D. FINDINGS:

Having reviewed the written record in the matter, the City now enters the following:

1. **Request:** The applicant is requesting an Administrative Short Plat approval for the subdivision of one parcel (36,847 square feet) into two lots for the future construction of one single-family residence on Lot 2. The existing single-family residence on Lot 1 would remain.
2. **Application:** The applicant's short plat application complies with the requirements for information for short plat review. The applicant's short plat plan and other project drawings are contained within the official land use file (Exhibits 2 – 5).
3. **Comprehensive Plan:** The subject proposal is designated Residential Low Density (RLD) in the Comprehensive Plan.
4. **Zoning:** The proposal is zoned R-4.
5. **Subdivision Regulations:** The proposal is subject to the requirements established by the City's Subdivision Regulations.
6. **Existing Land Uses:** Single-family residences in R-4 zoning surround the project site to the north, south, east, and west.
7. **System Development Charges:** Water System Development Charges and Sewer System Development Charges, at the current rates, will be required for each new single-family residence as part of the construction permit.
8. **Public Utilities:** The applicant will be required to install individual sewer and water stubs to serve the new lot.

E. CONCLUSIONS:

1. The subject site is located in the Residential Low Density comprehensive plan designation and complies with the goals and policies established with this designation.
2. The subject site is located in the R-4 zoning designation and complies with the zoning and development standards established with this designation provided the applicant complies with City Code and conditions of approval.
3. The proposed Joey's Short Plat complies with the subdivision regulations as established by City Code and state law provided all advisory notes and conditions are complied with.
4. The proposed Joey's Short Plat complies with the street standards as established by City Code, provided the project complies with all advisory notes and conditions of approval contained herein.
5. Staff recommends measures to protect the onsite stream and wetland.

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F. DECISION:

The **Joey's Short Plat**, File No. **LUA11-066, ECF, SHPL-A**, is approved and is subject to the following conditions:

1. The applicant shall comply with the environmental mitigation measures specified for Joey's Short Plat, LUA11-066, ECF, SHPL-A.
2. The applicant shall pay a Transportation Mitigation Fee, estimated to be \$717.75, prior to recording the short plat.
3. The applicant shall pay a Fire Mitigation Fee, estimated to be \$488.00, prior to recording the short plat.

DATE OF DECISION ON LAND USE ACTION:

SIGNATURE:



C.E. "Chip" Vincent, Planning Director
Planning Division

9/30/11
Date

TRANSMITTED this 30th day of September, 2011 to the Contact/Applicant/Owner(s):

Contact/Applicant:
Wilford Hughes
14401 Issaquah Hobart Road
Issaquah, WA 98027

Owner:
Lorraine Taylor
2208 Jones Avenue NE
Renton, WA 98056

TRANSMITTED this 30th day of September, 2011 to the Party(ies) of Record:

Jean Stearns
2216 Jones Avenue NE
Renton, WA 98056

Fritz Brendemihi
1203 N 38th Street
Renton, WA 9056

Deanna Dobak
1700 NE 20th Street
Renton, WA 98056

William O'Connor
921 S Washington Street
Port Angeles, WA 98362

Karen Walter
Muckleshoot Indian Tribe
Fisheries Division
39015 172nd Avenue SE
Auburn, WA 98092

Susan Rider
1835 NE 20th Street
Renton, WA 98056

TRANSMITTED this 30th day of September, 2011 to the following:

*Neil Watts, Development Services Director
Larry Meckling, Building Official
Kayren Kittrick, Development Services
Jan Conklin, Development Services
Carrie Olson, Development Services
Fire Marshal
Jennifer Henning, Current Planning Manager
Renton Reporter*

G. LAND USE ACTION APPEALS, REQUEST FOR RECONSIDERATION, & EXPIRATION

The administrative land use decision will become final if the decision is not appealed within 14 days of the decision date.

APPEAL: This administrative land use decision will become final if not appealed in writing to the Hearing Examiner on or before 5:00 PM on October 14, 2011. An appeal of the decision(s) must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680). Renton Municipal Code Section 4-8-110.B governs appeals to the Hearing Examiner. Appeals must be filed in writing together with the required fee to Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. Additional information regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall - 7th Floor, (425) 430-6510.

RECONSIDERATION: Within 14 days of the decision date, any party may request that the decision be reopened by the approval body. The approval body may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the approval body finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal time frame.

EXPIRATION: The Administrative Short Plat decision will expire two (2) years from the date of decision. A single one (1) year extension may be requested pursuant to RMC 4-7-070.M.

THE APPEARANCE OF FAIRNESS DOCTRINE: provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the administrative land use action. Because these notes are provided as information only, they are not subject to the appeal process for the land use actions.

Planning:

1. RMC section 4-4-030.C.2 limits haul hours between 8:30 am to 3:30 pm, Monday through Friday unless otherwise approved by the Development Services Division. The Development Services Division reserves the right to rescind the approved extended haul hours at any time if complaints are received.
2. The applicant will be required to comply with protection measures for retained trees as set forth in RMC 4-4-130H8.
3. The applicant will be required to comply with Environmental Regulations concerning Native Growth Protection Areas, streams, and wetlands contained in RMC 4-3-050.
4. Language for the NGPE is: "The Native Growth Protection Easement (NGPE) identifies the stream, wetland and buffer areas. The creation of the Native Growth Protection Easement (NGPE) conveys to the public a beneficial interest in the land within the easement area. This interest shall be for the purpose of preserving native vegetation for the control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The Native Growth Protection Easement imposes upon all present and future owners and occupiers of the easement area enforceable on behalf of the public by the City of Renton, to leave undisturbed all trees and other vegetation within the easement area. The vegetation within the NGPE may not be cut, pruned, covered by fill, removed or damaged without express written permission from the City of Renton. The right of entry granted herein shall apply to the agents, representatives and employees of the owners or subsequent owners of the underlying property."
5. The Renton School District Impact Fee is currently \$6,310.00 and is payable prior to issuance of building permits for Lot 2.

Plan Review – Water:

1. The project will need to provide domestic service, and fire service to serve the proposed development.
2. Per the City Fire Marshal, the preliminary fire flow requirement for a single family home is 1,000 gpm minimum for dwellings up to 3,600 square feet (including garage and basements). If the dwelling exceeds 3,600 square feet, a minimum of 1,500 gpm fire flow would be required. A minimum of one fire hydrant is required within 300-feet of the proposed buildings and two hydrants if the fire flow goes up to 1,500 gpm. Lateral spacing of fire hydrants is predicated on hydrants being located at street intersections.
3. The fee for a ¾-inch water meter installed by the City is \$2,260.00.

Plan Review – Sewer:

1. The Sanitary Sewer System Development Charges are based on the size of the domestic water meter. These fees are collected at the time a construction permit is issued. The sewer fee for a ¾-inch water meter is \$1,591.00

Plan Review – Transportation:

1. Traffic mitigation fees will apply. Traffic mitigation fees of \$717.75 will be required prior to recording of the short plat as a condition of the plat.
2. The maximum driveway width for a single loaded garage is 9 feet and 16 feet for a double loaded garage.

Plan Review – Fire:

1. A fire hydrant with 1,000 GPM fire flow is required within 300 feet of all new single-family structures. Available fire flow is limited to 1,250 gpm.
2. If the building square footage exceeds 3,600 square feet in area, the minimum fire flow increases to 1,500 GPM and requires two hydrants within 300 feet of the structures.

3. Buildings shall have approved address numbers placed in a position that is plainly legible and visible from the street or road fronting the property.

Property Services:

Please see attached for memo from Property Services.

C4 - 32 T24N R5E E 1/2

EXHIBIT 2

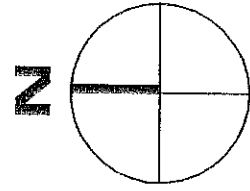
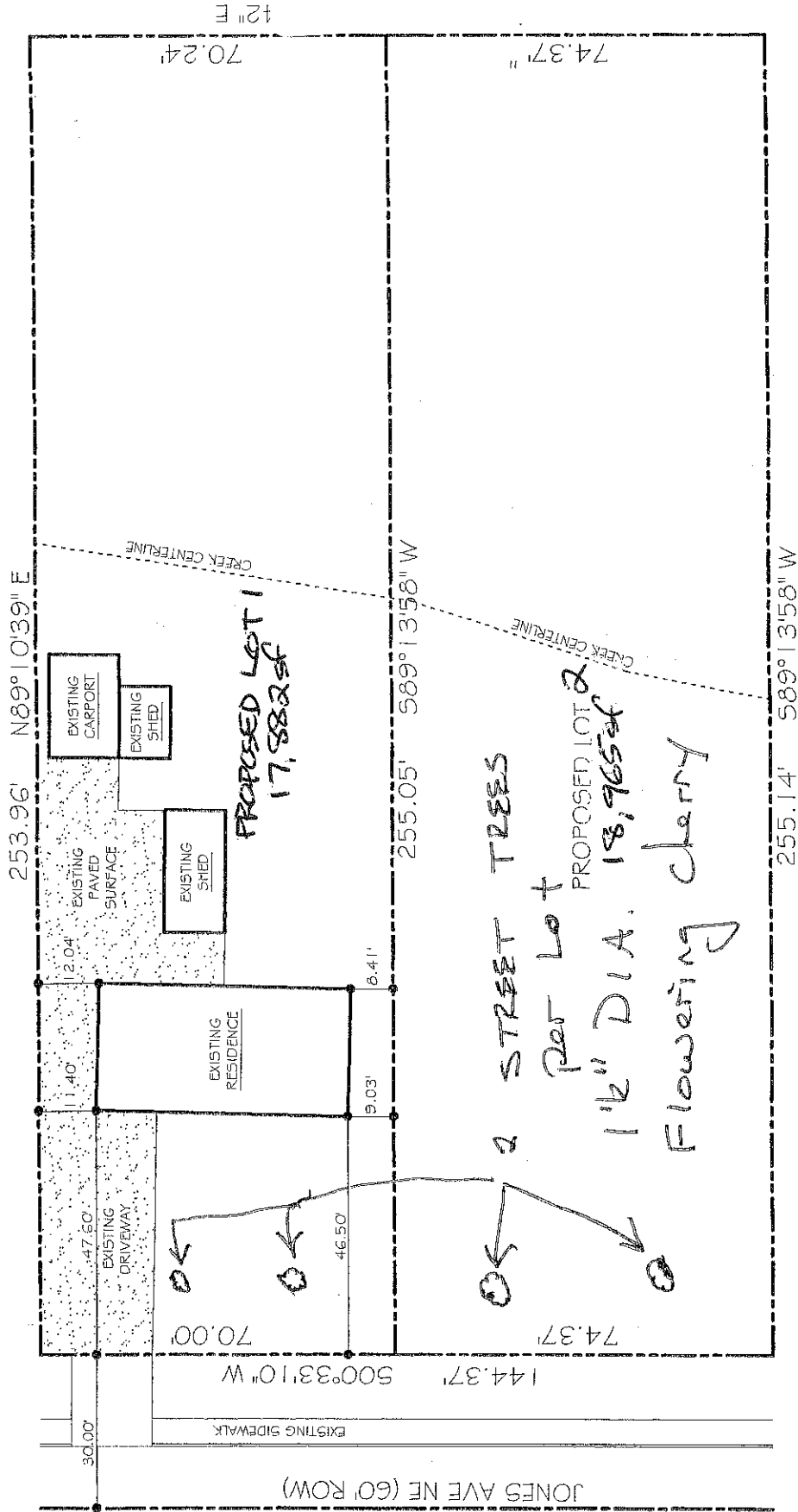
D4 - 05 T23N R5E W 1/2

D5 - 04 T23N R5E W 1/2



TE **TOUMA ENGINEERS
LAND SURVEYORS, P.L.L.C.**
WEST VALLEY EXECUTIVE PARK
4532 SOUTH 101ST PLACE, SUITE E-102 • KENT, WA 98032
PHONE (425) 251-0685 FAX (425) 251-0626

EXHIBIT 4



p/n - 334390-3602

2208 Jones Ave NE
Renton, WA 98056

LANDSCAPE of Renton, WA
Planning Division

AUG - 8 2011

RECEIVED

Joey's Short Plat LUA11-066



378.1 0 189.06 378.1 Feet

City of Renton, Washington

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

EXHIBIT 5

- Legend**
- Lakes and Rivers
 - Water Courses
 - Parcels
 - Street Names
 - Rights of Way
 - Streets
 - Roads
 - Jurisdictions**
 - Bellevue
 - Des Moines
 - Issaquah
 - Kent
 - King County
 - Mercer Island
 - Newcastle
 - RENTON
 - SeaTac
 - Seattle
 - Tukwila
 - Aerial (March 2)**
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

1:2,269
@ 8.5" x 11"



Notes

Enter Map Description

Sept 6, 2011

City of Renton
Planning Division

Gerald Weser

RE: Joe's Short Plat

Project Manager

SEP -7 2011

LUA 11-066 ECF SHPL-A

City of Renton

1055 South Grady Way

RECEIVED

EXHIBIT 6

Renton, WA 98057

Dear Mr Weser

This letter concerns the mis-classification of Kennydak Creek which runs through the above noted "Joe's Short Plat." In the information noted online the Creek was noted as a Class 4.

This stream is not a Class 4, but is a Class 3 as determined by a stream study arranged by the Kennydak Central Area Alliance and performed by the Will Fish Conservancy NW of Duwamish, WA.

The study was performed as a result of the original mis-classification by the City and a copy of the study was given to Mr. Chip Vincent, City of Renton several years ago.

I was very surprised when I saw the information in the project description as I had assumed the City would have corrected their maps by this time.

I have since relocated from the Renton area and cannot locate my files on this issue but am certain that Mr. Susan Rider, of the KCAA will be contacting regarding this issue.

If you have any questions regarding the stream classification and study you may contact Mr. Rider at 425-228-8711.

Please enter me as a party of record on the project so I may continue to monitor the issue.

Sincerely

William E. O'Connor

921 S. Washington St
Port Angeles, WA 98362

Denis Law
Mayor

City of
Renton



September 21, 2011

Department of Community and Economic Development
Alex Pietsch, Administrator

William E. O'Connor
921 South Washington Street
Port Angeles, WA 98362

SUBJECT: JOEY'S SHORT PLAT, LUA11-066, ECF, SHPL-A

Dear Mr. O'Connor:

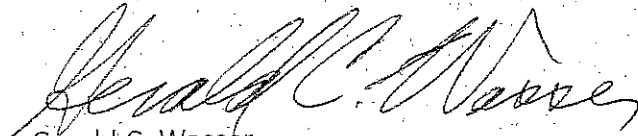
Thank you for your letter regarding Joey's Short Plat, LUA11-066, ECF, SHPL-A that we received on September 7, 2011. Your comments have been added to the file for the decision-maker to consider.

Your comments are much appreciated. In your letter you stated that you were certain that Susan Rider would be contacting me regarding this matter. In fact, Ms. Rider did contact me by mail and provided background and history, including some supplemental materials regarding Kennydale Creek. This project is for the subdivision of land to create one additional lot in the Residential - 4 dwelling units per acre (R-4) zone. The classification of Kennydale Creek is not at issue. The project would maintain the minimum 35-foot buffer area required for a Class 4 stream.

I will include you as a Party of Record for Joey's Short Plat, LUA11-066, ECF, SHPL-A.

You may contact me at (425) 430-7382 or gwasser@rentonwa.gov.

Sincerely,


Gerald C. Wasser
Associate Planner

From: Karen Walter [KWalter@muckleshoot.nsn.us]
Sent: Wednesday, September 07, 2011 11:14 AM
To: Gerald Wasser
Subject: Joey's Short Plat, LUA11-066, ECF, SHPL-A, Notice of Application and Proposed Determination of Non-Significance, Mitigated

Jerry,

The Muckleshoot Indian Tribe Fisheries Division has reviewed the Notice of Application materials for the above referenced project. We have a question and initial comment about this project as noted below:

1. Per the Critical Areas Review for this site (Altmann Oliver Associates Aug 2011), Kenneydale Creek through this site is considered a Class 4 stream by Renton. What is the basis for this classification? According to the surveyors configuration of the stream and wetland onsite, the stream is 10 feet wide. If the stream is this wide, then it suggests that the stream is capable of supporting salmon. Please provide the data that Renton has to support the classification of Kenneydale Creek at this location.
2. The Critical Areas Review also notes that the stream is currently ditched and mowed to the edge of the channel. As part of the short plat, the stream buffer should be enhanced with native trees and shrubs to improve habitat and water quality and shade out the existing reed canarygrass.

We appreciate the opportunity to review this proposal and look forward to the City's responses. We may have comments subsequently.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116



September 21, 2011

Department of Community and Economic Development
Alex Pietsch, Administrator

Karen Walter
Muckleshoot Indian Tribe Fisheries Division
39015 172nd Avenue SE
Auburn, WA 98092

SUBJECT: JOEY'S SHORT PLAT, LUA11-066, ECF, SHPL-A

Dear Ms. Walter:

Thank you for your email of September 7, 2011 regarding Joey's Short Plat, LUA11-066, ECF, SHPL-A. In that email you ask what the basis is for classifying Kennydale Creek as a Class 4 Stream in this area and you provide suggestions for stream buffer enhancement.

Renton Municipal Code (RMC) 4-3-050Q, Figure 4-3-050Q4 (copy attached) identifies Kennydale Creek as a Class 4 stream in this vicinity. RMC 4-3-050L.1.a.iv identifies Class 4 waters as non-salmonid-bearing during years of normal rainfall. A check dam on Lower Kennydale Creek would likely render the stream course impassable to salmon.

The project is to subdivide the existing parcel which would create one additional lot. Both lots would be oriented east/west and Kennydale Creek would remain untouched. The buffer for Class 4 streams is a minimum of 35 feet. The applicant is proposing to maintain that buffer and staff will recommend that a split rail fence be installed along the buffer boundary. Because the 35-foot buffer area will be maintained, there is no essential nexus to require buffer enhancement.

I trust that your concerns have been addressed in this letter.

Please contact me at (425) 430-7382 or gwasser@rentonwa.gov if you have any questions.

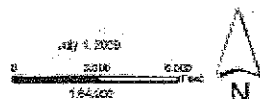
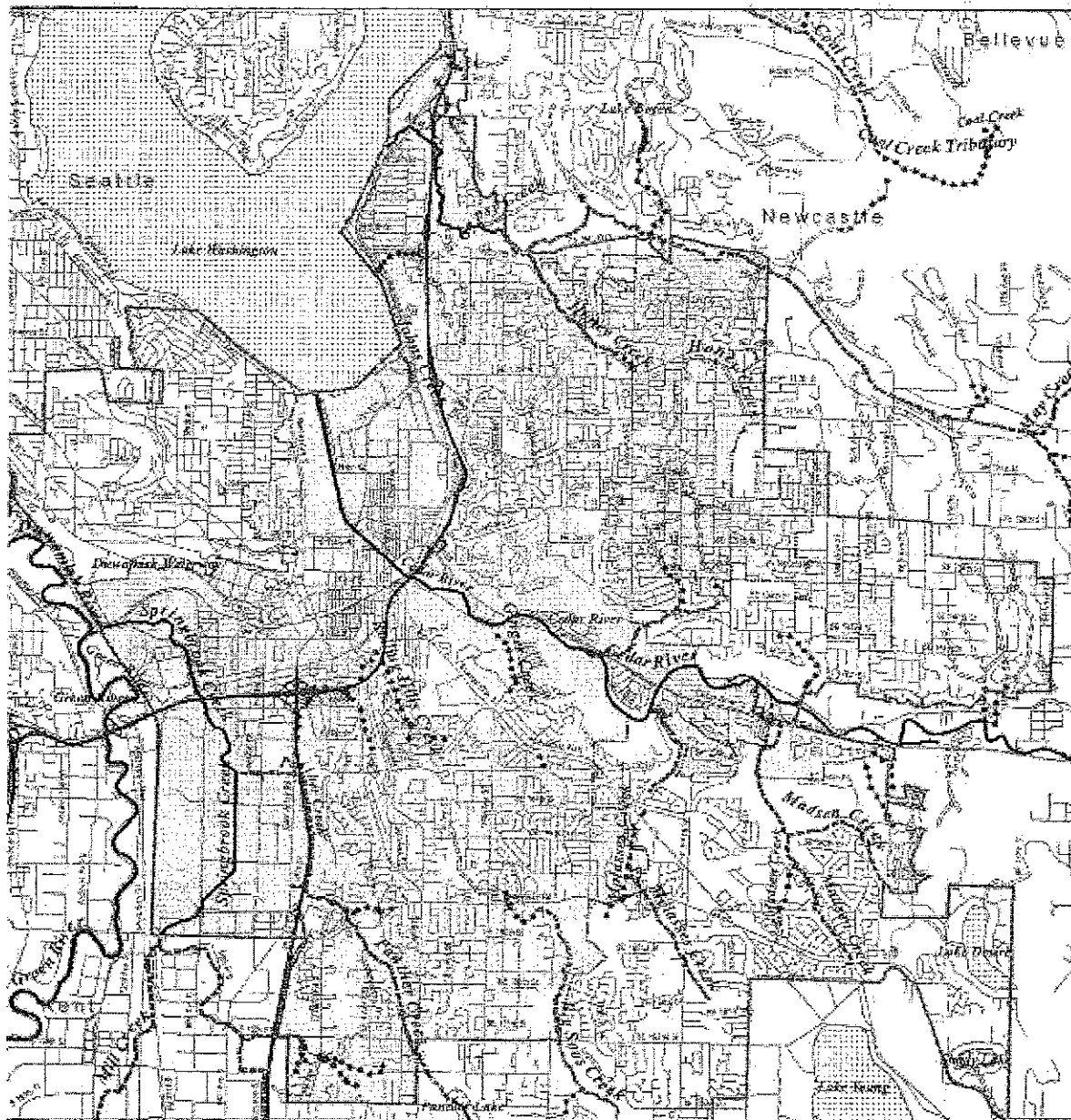
Sincerely,

A handwritten signature in black ink, appearing to read "Gerald C. Wasser".

Gerald C. Wasser
Associate Planner

Attachment

Figure 4-3-050Q4
STREAMS AND LAKES



File Name: C:\Documents\10101\renton\renton.mxd
 Date: 10/10/2008 10:10:10 AM
 User: jroberts

Community & Economic Development
 Alex Pletsch, Administrator
 DataGIS Analysis Services
 Address: A. Johnson, Patrick Rodin

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Water Classes

- | | | | | | |
|--|--------------|--|---------------|--|---------------|
| | City Limits | | Water Class 1 | | Water Class 3 |
| | PAA Boundary | | Water Class 2 | | Water Class 4 |
| | Culvert | | | | |

City of
Renton



EXHIBIT 8

SEP 09 2011

4:51pm
Hand delivered**Mr. Gerald Wasser-**RECEIVED
CITY CLERK'S OFFICE

Shocking- but not surprising- would best describe our neighborhood's reaction to the belated posting for the proposed Joey's short plat.

In spite of our submitting hundreds of photos and letters, testimony from many longtime area residents, letters from both the Washington State Department of Ecology and the Washington Department of Fish and Game agencies, and a stream study conducted by the Wild Fish Conservancy organization- which has been in the City's possession since 2008- the plat application is referring to Kennydale Creek as a class 4 intermittent stream.

We have provided incontrovertible proof that this creek NEVER dries up, even in the most protracted dry weather at the end of summer (see enclosed photos, taken today) and we find it indefensible that the City continues to maintain the fiction that this creek is anything less than a Class 3. The classification should have been upgraded years ago, especially after we had hand- delivered the Wild Fish Conservancy study to Chip Vincent in December of 2008.

Although we had submitted all of our documentation prior to the change in the City's process to upgrade the stream classification, we still met the criteria established in 2009.

2006-

**Letter from Larry Fisher,
Habitat Biologist for
Washington Department of Fish and Game
requesting classification be upgraded, due to the
presence of crayfish and other unidentified fish in
the creek.**

2008-

**Stream study from Wild Fish Conservancy, accepted
by City of Renton Administrator Chip Vincent**

**We note that in spite of the re-classification of both
Honey and Maplewood Creeks, the City has failed in
its' stated goals of preserving and protecting our
critical areas where it concerns Kennydale Creek.
We are urging you to rectify this situation
immediately to prevent the costly appeals and
litigation we would all prefer to avoid.**

**We are enclosing a number of supporting documents
to help you determine the facts of this case, and we
have many more boxes of documents available if you
should need them.**

**Thank you for your prompt consideration of this
matter.**

Sincerely,

**Susan Rider Kennydale Critical Areas Alliance
1835 NE 20th St
Renton, WA (425)228-8711**



9/9/11



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Region 4 Office: 16018 Mill Creek Boulevard - Mill Creek, Washington 98012 - (425) 775-1311

October 12, 2006

Erika Conkling, Senior Planner
City of Renton
Economic Development Neighborhoods and Strategic Planning Division
1055 South Grady Way
Renton, Washington 98055

Dear Ms. Conkling:

**SUBJECT: Proposed Determination of Non-significance; Kennydale Blueberry Farm
Rezone, File Number CPA 2006-M-02, Kennydale Creek and Its Associated
Wetlands, Tributary to Lake Washington**

The Washington Department of Fish and Wildlife (WDFW) has reviewed the above-referenced Proposed Determination of Non-significance, and offers the following comments at this time. Other comments may be offered if the project progresses.

A Hydraulic Project Approval (HPA; RCW 77.55.021/WAC 220-110; to be issued by WDFW) would be required for activity affecting the natural bed or flow of the stream or its associated wetlands.

The stream on the property is the upper end of Kennydale Creek and should be classified at least as a class 2 perennial stream. It supports crayfish and other unidentified fish species. The wetlands are a rare peat soil based system of very high value, especially if restored and given adequate buffering. WDFW believes it is imperative to preserve and protect these wetlands, as directed by the Growth Management Act (GMA), and it would be contradictory to the GMA to rezone this property and allow dense residential development, particularly without a carefully planned and implemented mitigation plan. Development of the property without such a plan would result in disruption of the natural drainage and the degradation of the quality of the stream and wetland system. WDFW also notes the buffers widths being considered are inadequate to protect this very sensitive system.

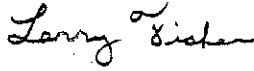
Furthermore, WDFW believes it would be premature to evaluate the potential impacts of the proposed rezone without a proper wetland delineation and a full biological evaluation. The SEPA checklist is lacking key information concerning fish and wildlife use of the site and the area near the site. A variety of wildlife species (including great blue herons, osprey, pileated woodpeckers, deer, ducks, and shorebirds) have been observed using this area for habitat, but

that is not mentioned in the SEPA checklist. Nor does the checklist even mention the existence of the wetland. **As it is, there is no scientific basis by which to evaluate the potential impacts of the proposed rezone on the wetland or stream system or the fishlife and wildlife which use it for habitat. This proposal should not proceed without further study and a plan to restore the wetland and its buffers.**

WDFW appreciates the cooperation of the City of Renton in our efforts to preserve, protect, perpetuate, and manage the fish and wildlife resources of the state of Washington.

Thank you for the opportunity to provide these comments. If you have any questions, please contact me at (425) 649-7042 or fisheldf@dfw.wa.gov.

Sincerely,



Larry Fisher
Area Habitat Biologist

LF:lf:CORBlueberryFarm.s.doc

cc: WDFW SEPA Coordinator



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

October 16, 2006

Ms. Erika Conkling, Senior Planner
City of Renton
1055 S Grady Way
Renton, WA 98055

Dear Ms Conkling:

RE: Comments on SEPA DNS for Kennydale Blueberry Farm Rezone, LUA05-159

Thank you for the opportunity to comment on the proposed DNS dated October 2, 2006, for a rezone of the Kennydale Blueberry Farm property from Resource Conservation (RC) to R-4.

The Department of Ecology believes that the proposed rezone will pose a significant risk of adverse impacts to wetlands on this property, and to the beneficial functions that the wetlands provide to the watershed. The DNS does not adequately evaluate this risk.

The SEPA checklist attached to the DNS notes that the lower two-thirds of the parcel is covered by 1 to 5 feet of "soft peat." The Soil Survey of King County Area (Snyder et al. 1973) maps this soil as Shalcar muck, a hydric (wetland) soil. Evidence indicates that the site holds a large remnant of an important wetland system maintained by shallow groundwater and by a spring that flows out of the adjoining greenbelt on the east. As the SEPA checklist notes, the surface water from this spring flows north via a ditch just inside the parcel's eastern border and ultimately through Kennydale to Lake Washington.

A "Special Focus Issue Paper on the Kennydale Blueberry Farm" (Issue Paper) was included in the information packet for the Renton Planning Commission meeting of November 2, 2005. This Issue Paper noted that the "soft soils" covering about two-thirds of the parcel would have to be "removed and replaced with suitable fill" in order to build homes on the site.

The Issue Paper states that "a wetland area mapped over a portion of the Blueberry farm" is the basis for requesting a wetland evaluation. After discussing the site's potential for residential development, the issue paper cautions: "Depending upon the results of a wetland analysis, this type of activity may not be allowed under current regulations." The paper concludes that existing information on drainage or wetland conditions is outdated and that updated information is needed before a zoning decision can be made. We agree.

Unfortunately, the proposed DNS says nothing about the updated information that the issue paper said was needed. The proposed action could very well lead to the destruction of wetlands, including replacement of organic soils by fill. Muck and peat soils are extraordinarily effective at improving water quality by removing toxins and other pollutants. They also retain disproportionate volumes of stormwater and release it slowly. Such functions are vital to the health of the watershed, the municipal infrastructure, and Lake Washington. A delineation, rating, and function assessment of wetlands on the parcel should be a prerequisite to any land-use decision that could affect their fate.

The wetland study should also evaluate the effect of "improvements in drainage of the property," including "a major dewatering in 2004," which the issue paper said the property owner reported. What was the nature of the dewatering? Could it have resulted in adverse impacts to aquatic resources or other sensitive areas? Did it involve work below the ordinary high water mark or divert or change the natural flow?

Thank you for taking these concerns into account. Please call or e-mail me with any questions or for further discussion. I can be reached at (425) 649-4447.

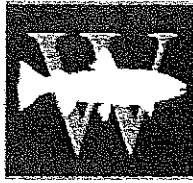
Sincerely,



Richard K. Robohm
Wetland Specialist

RKR:rc

cc: Anne Fritzel, Department of Community, Trade and Economic Development
Pam Erstad, Washington Department of Fish & Wildlife
Jeff Davis, Washington Department of Fish & Wildlife
Donna Buntin, Ecology CAO Review Coordinator
Erik Stockdale, Wetlands Specialist, Ecology Northwest Regional Office



Wild Fish Conservancy

September 23, 2008

The Wild Fish Conservancy (WFC) performed a stream assessment survey on Kennydale Creek, at tributary to Lake Washington in Renton, WA on September 18, 2008 (Figs.1-3). The objective of the survey was to evaluate the summer low-flow characteristics of the watershed and to describe the likely impacts of continued degradation of the creek's watershed.

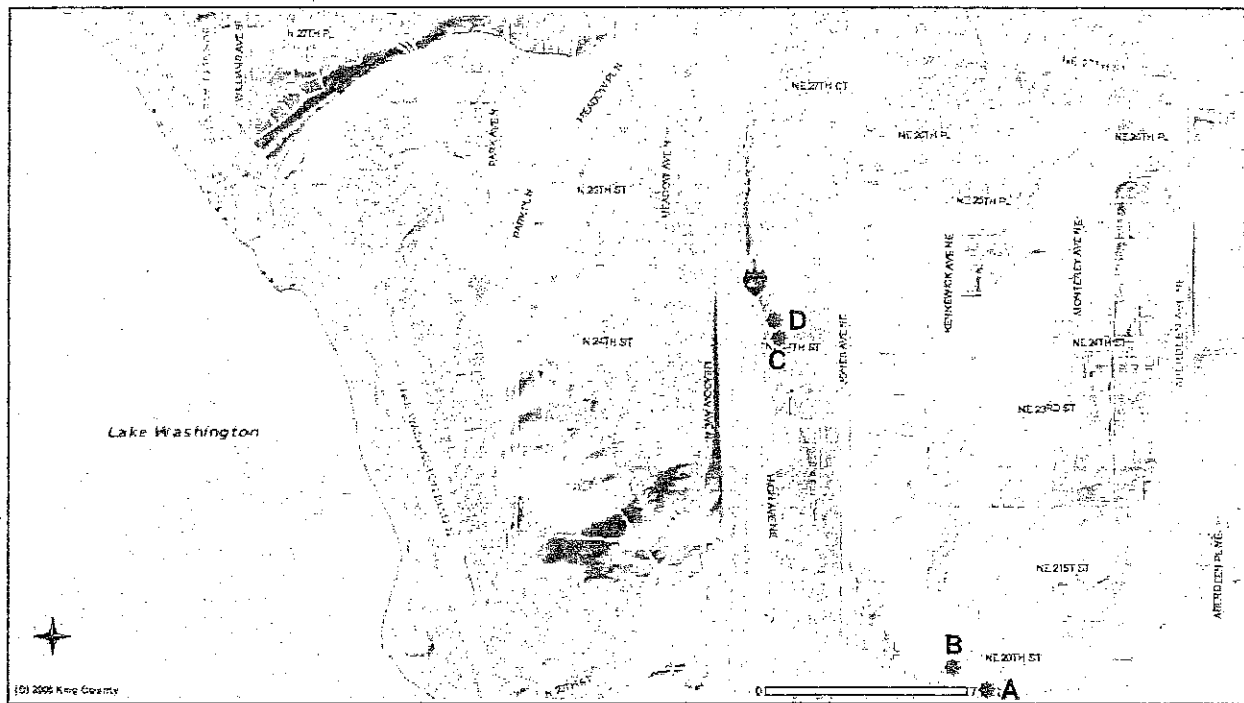


Figure 1. Kennydale Creek field assessment locations.



Fig.2. Upper Kennedydale Creek study reach in Renton, WA. Field assessment locations are represented by the yellow stars.



Fig.3. Lower Kennydale Creek study reach in Renton, WA. Field verification locations are represented by the yellow stars.

Results

The channel was wetted and stream flow was easily discernable at all four locations (Table 1, Figures 4-5). The channel meets the physical criteria for fish habitat established by the Washington State in WAC 222-16-031: at least 2.0 foot bankfull width and less than 16% gradient. The documented presence of perennial aquatic invertebrates, including the relatively pollution-intolerant families Ephemeroptera and Trichoptera, indicates the stream channel has not gone dry in recent years.

Compromising the condition of Kennydale Creek through the addition of impervious area and the associated stormwater runoff will further degrade the condition of the stream (Table 2). The South Puget Sound Forum Indicators Report (TRPC, 2006) summarizes the local impacts of impervious area:

“Among other variables, studies have found a strong relationship between the amount of impervious surface and forest cover in a basin or watershed, and the health of streams and other water resources. The greater the amount of impervious area and the corresponding loss of forest cover, the less water that is absorbed into the ground – being filtered naturally and slowly returning to our ground water or stream systems. Increased surface runoff leads to more pollution in our streams and inlets, to higher and increased numbers of flood events, and to degradation of our streams and stream beds.” (South Puget Sound Environmental Quality – Economic Vitality Indicators Report, July 2006).

King County’s May Creek Basin Plan (2001), developed for the Lake Washington tributary immediately to the north of Kennydale Creek, states:

"Development activities within the basin have historically degraded stream and wetland habitats. Filling of wetlands, increased stormwater runoff and peak stream flows, addition of sediment and pollutants to the water, and removal of coniferous forest cover have contributed to the degradation of local habitat in the basin."

Table 1. Wild Fish Conservancy observations from field verification locations (Figures 1-3), September 18 2008.

Site	Latitude	Longitude	Wetted Width	Bankfull Width	Substrate	Flow	Notes
A	N 47.50932	W 122.19424	2 feet	4 feet	mud	Yes	Ditched stream channel, soft mud substrate, reed canary grass riparia.
B	N 47.50961	W 122.19462	3 feet	4 feet	mud and cobble	Yes	Ditched stream channel, soft mud substrate with occasional cobble. Aquatic macroinvertebrates observed included mayfly nymphs, caddisfly larvae, and amphipods.
C	N 47.51297	W 122.19756	3 feet	4 feet	cobble and sand	Yes	Well-shaded stream corridor. Water is clear and cool. Aquatic invertebrates observed, same as B.
D	N 47.51308	W 122.19738	3 feet	6 feet	cobble and sand	Yes	Well-shaded stream corridor. Water is clear and cool. Aquatic invertebrates observed, same as B.

Table 2. Impacts from Increases of Impervious Surfaces, from Thurston Regional Planning Council, 2003.

Increased Imperviousness leads to:	Resulting Impacts				
	Flooding	Habitat Loss	Erosion	Channel widening	Streambed alteration
Increased volume	X	X	X	X	X
Increased peak flow	X	X	X	X	X
Increased peak flow duration	X	X	X	X	X
Changes in sediment loading	X	X	X	X	X
Decreased base flow		X			
Increased stream temperature		X			
Increased stream acidity		X			
Increased water pollution		X			

SOURCES: (GRANT, 2000; URBANIZATION AND STREAMS: STUDIES OF HYDROLOGIC IMPACTS, 1997).

Kennydale Creek may or may not currently support a fish population, but there is no doubt that it contributes water and aquatic invertebrates to Lake Washington and therefore affects the water quality and, in part, the integrity, of Lake Washington. Lake Washington supports chinook salmon and steelhead listed as threatened under the Endangered Species Act; as well as sockeye and coho salmon; kokanee; resident and sea-run cutthroat trout; and a wide variety of native non-salmonids. Bull trout, also listed as threatened under the ESA, have been documented in Lake Washington. Many of these fish, including juvenile chinook salmon, spend a significant amount of time rearing and feeding in the Lake Washington littoral (nearshore) habitats that are fed by small streams including Kennydale Creek. While the streams themselves are small, they are numerous and the cumulative effects of their degradation can have significant implications for the health and productivity of Lake Washington and the fish that live there.



Figure 4. Culvert outlet under NE 24th Street (Site C) on September 18, 2008. Wetted width was 3 feet, and stream flow was easily discernable.

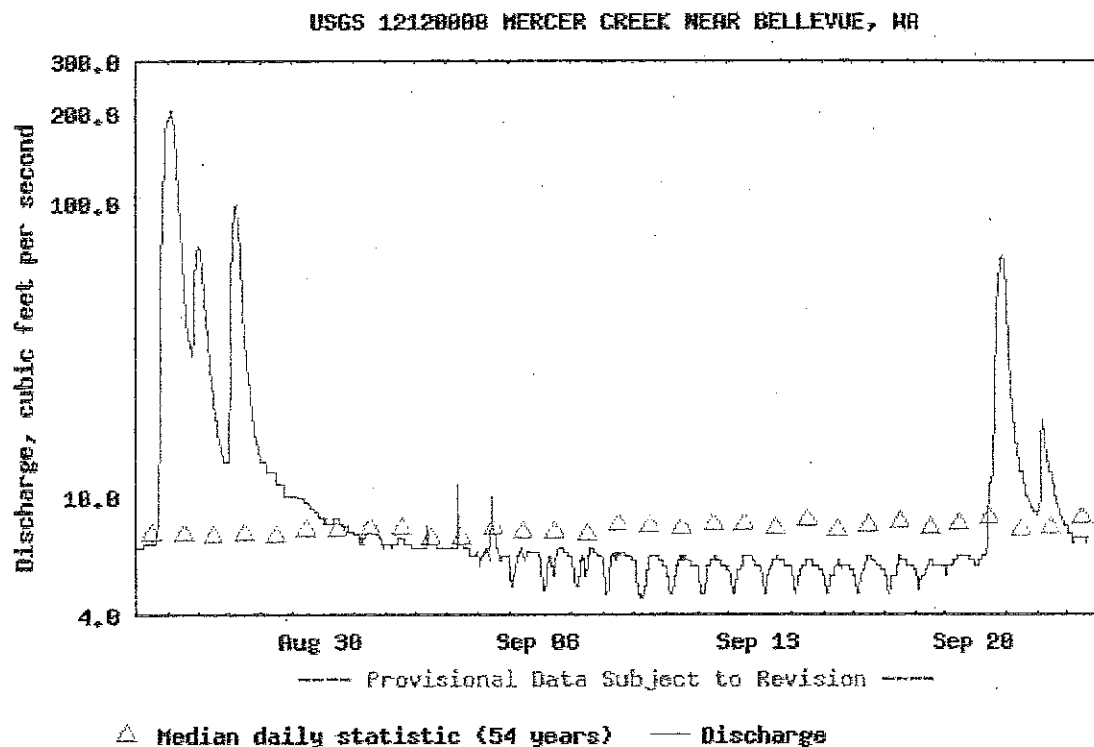


Figure 5. Stream channel at Site D on September 18, 2008, approximately 30 feet downstream from the culvert outlet under NE 24th Street.

Flow Conditions:

Evidence that the survey results from September 18, 2008 are representative of summer low-flow conditions can be found in adjacent watershed stream flow data. Provisional stream flow data from USGS National Water Information System

(http://waterdata.usgs.gov/wa/nwis/uv?cb_00060=on&format=gif_stats&period=30&site_no=12120000) demonstrate that flows in the Mercer Creek watershed, a Lake Washington tributary north of Kenneydale creek, were 5.4 cfs at the time of Wild Fish Conservancy's Kenneydale survey, well below the median flows experienced on September 18 during the past 54 years (Figure 6) and the mean monthly flows during the past 62 years.



STATISTICS OF MONTHLY MEAN DATA FOR WATER YEARS 1945 - 2007, BY WATER YEAR (WY)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Mean	16.8	32.9	40.0	40.8	33.7	29.5	21.6	14.7	12.4	8.73	8.62	11.2
Max	44.4	77.3	70.7	84.8	61.1	67.5	39.9	27.2	23.8	16.5	20.9	22.3
(WY)	(1982)	(2007)	(1997)	(2006)	(1996)	(1972)	(1991)	(1996)	(1985)	(1997)	(2004)	(1978)
Min	7.42	11.0	16.5	15.9	10.2	15.4	9.90	8.45	5.34	3.22	3.25	5.05
(WY)	(2003)	(1977)	(1977)	(1977)	(1993)	(1965)	(2004)	(1958)	(1958)	(1958)	(1945)	(1955)

Figure 6. August and September 2008 USGS Stream Flow Data for Mercer Creek, a Lake Washington tributary north of Kenneydale Creek.

Please feel free to contact me with any questions about Wild Fish Conservancy's survey or this report.

Sincerely,

Jamie Glasgow, M.Sci.
 Director of Science and Research
 Wild Fish Conservancy
 425/788-1167
www.wildfishconservancy.org

The Honorable Jay V. White
Trial Date: Monday, Dec. 15, 2008
Trial Time: 9:00 a.m.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

KENNYDALE CRITICAL AREAS
ALLIANCE, a Washington non-profit
corporation, and SUSAN RIDER,

Petitioners,

v.

CITY OF RENTON, a Washington
Municipal Corporation; and RICHARD
LAURALEE GORDLEY, husband and
wife,

Respondents.

NO. 08-2-21823-6KNT

~~PROPOSED~~ ORDER GRANTING
PETITIONERS' MOTION TO
SUPPLEMENT THE RECORD

DENYING

THIS MATTER having come on for hearing pursuant to the motion of Petitioners

to supplement the administrative record with a stream assessment conducted by Wild Fish

Conservancy ("WFC"), Petitioners being represented by attorneys Gendler & Mann, LLP;

Ryanne, Gordley's Response, Petitioner's Reply to all

and Brendan W. Donckers, and it appearing from the motion, supporting brief and attached

parties' supporting declarations

evidence cited therein, IT IS HEREBY ORDERED:

1. Petitioners' motion to supplement the record is granted.

2. Respondents Gordley's request for CR 11

actions is DENIED.

DENIED.

OW

~~PROPOSED~~ ORDER GRANTING PETITIONERS'
MOTION TO SUPPLEMENT THE RECORD- 1

GENDLER & MANN, LLP
1424 Fourth Avenue, Suite 1016
Seattle, WA 98101
Phone: (206) 621-8868
Fax: (206) 621-9512

ORIGINAL

1 Dated this 20 day of November, 2008.

2
3
4 THE HONORABLE JAY V. WHITE
KING COUNTY SUPERIOR COURT JUDGE

5 Presented by:

6 GENDLER & MANN, LLP


7
8
9 By:

10 Brendan W. Donckers
11 WSBA No. 39406
Attorney for Petitioners

12 \KCAA(Den)\LUPA case\Proposed Order Granting Motion
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~~PROPOSED~~ ^{DENYING} ORDER GRANTING PETITIONERS'
MOTION TO SUPPLEMENT THE RECORD- 2

GENDLER & MANN, LLP
1424 Fourth Avenue, Suite 1015
Seattle, WA 98101
Phone: (206) 621-8888
Fax: (206) 621-0512

PROJECT NUMBER:	LUA11-066, ECF, SHPL-A
PROJECT NAME:	Joey's Short Plat
Description:	Application requesting Environmental (SEPA) Review and Administrative Short Plat approval to subdivide a 36,847 square foot parcel into two lots. The two resulting lots would be 17,882 s.f. (Lot 1) and 18,965 s.f. (Lot 2). Kenndale Creek, a Class 4 creek, is present and bisects the site. A Category 2 or 3 wetland (3,500 s.f.) is present on the northeast portion of the site. Both proposed lots would gain access from Jones Avenue NE. An existing house and two sheds are located on what would be Lot 1. The existing buildings are proposed to be retained. Once the wetland and stream area is deducted the resulting net developable area is 0.73 acres. A two-lot short plat would yield a density of 2.74 du/net acre. The site is generally flat. The project requires SEPA environmental review and short plat approval.
General Location:	2208 Jones Avenue NE
Zone:	Residential - 4 dwelling units per acre (R-4)
Public Approvals:	Environmental (SEPA) Review, Administrative Short Plat approval
Project Manager:	Gerald Wasser, tel: 425-430-7382, email: gwasser@rentonwa.gov
Applicant/Project Contact Person:	Wilford Hughes, WH Huges Co.; 14401 Issaquah Hobart Road; Issaquah, WA 98027
Date of Application:	August 8, 2011
Notice of Complete Application:	August 26 2011
Comments may be Submitted through:	September 9, 2011
<p>Map: The map below is for illustrative purposes only. In the event of omissions, errors or differences, the documents in CED's files will control. Click on map to be directed to the City's GIS Portal.</p> 	
Decision(s):	
<p>Comments on the above application must be submitted in writing to Gerald Wasser, Project Manager, CED - Planning Division by 5:00 p.m. on September 9, 2011. If you have questions about this proposal, or wish to be made a party of record and receive additional notification by mail, contact the Project Manager at 425-430-7382.</p>	

[Return to top of page.](#)



9/9/2011 3:55:06 PM



9/9/2011 3:51:49 PM

Denis Law
Mayor



September 21, 2011

Department of Community and Economic Development
Alex Pietsch, Administrator

Susan Rider
1835 NE 20th Street
Renton, WA 98057

SUBJECT: JOEY'S SHORT PLAT, LUA11-066, ECF, SHPL-A

Dear Ms. Rider:

Thank you for your letter regarding Joey's Short Plat, LUA11-066, ECF, SHPL-A that we received on September 9, 2011. Your comments have been added to the file for the decision-maker to consider.

While I appreciate the history and background, as well as the supplemental materials, you provided on Kennydale Creek, this project is for the subdivision of land to create one additional lot in the Residential – 4 dwelling units per acre (R-4) zone. The classification of Kennydale Creek is not at issue. The project would maintain the minimum 35-foot buffer area required for a Class 4 stream.

I will include you as a Party of Record for Joey's Short Plat, LUA11-066, ECF, SHPL-A.

You may contact me at (425) 430-7382 or gwasser@rentonwa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Gerald C. Wasser".

Gerald C. Wasser
Associate Planner

M E M O R A N D U M

DATE: September 8, 2011
TO: Jerry Wasser
FROM: Bob Mac Onie
SUBJECT: Joey Short Plat, LUA-11-066-SHPL
Format and Legal Description Review

I have reviewed the above referenced short plat submittal and have the following comments:

Comments for the Project Manager:

Please note that the application notes that Lorraine Taylor is the owner but since the application has conveyed her interest in the property at issue to the applicant, via deed under recording number 20110815000255.

Comments for the Applicant:

A portion of the block of text associated with City of Renton Mon # 369 is illegible.

Information needed for final short plat approval includes the following:

Note the City of Renton land use action number and land record number, LUA-11-066-SHPL and LND-20-0565, respectively, on the final short plat submittal. The type size used for the land record number should be smaller than that used for the land use action number.

Provide a direct tie to two City of Renton Survey Control Network monuments. The geometry will be checked by the city when provided.

Provide sufficient information to determine how the short plat boundary was established.

Provide short plat and lot closure calculations.

If there are new private easement(s) proposed with this short plat, include the following statement, juxtaposed to the subject easement: "Area for new private (utilities, access, etc.) easement". Since the new lots created via this short plat are under common ownership at the time of recording, there can be no easement(s) until such time as the lots are conveyed to others, via conveyance documents. The conveying document(s) need to include a statement about the together with and/or subject to specific easement rights.

Add the following Declaration of Covenant language on the face of the subject drawing, if the previous paragraph applies:

DECLARATION OF COVENANT:

The owner of the land embraced within this short plat, in return for the benefit to accrue from this subdivision, by signing hereon covenants and agrees to convey the beneficial interest in the new easements shown on this short plat to any and all future purchasers of the lots, or of any subdivisions thereof. This covenant shall run with the land as shown on this short plat.

If there are no new private easements defined on the subdivision the Declaration of Covenant language currently shown can be removed.

If there is to be a Native Growth Protection Easement for the wetland and wetland buffer area please include the relevant language and clearly delineate the area(s) so impacted.